1947.

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**File No.** O Tolls on Bridges/47

Legal DEPARTMENT

A BRANCH

**Subject:—** Rules and Notifications

Under the Tolls on Bridges

Act, 1875

p 2E

**File No.** O Tolls on Bridges/47

Std. Sectt. Slip 24 B e.

4418-A

CONTENTS

Legal Department File No.O.Tolls on Bridges/47.

| Sr. No. | Compilation No. | Subject | Pages |
|---|---|---|---|
| | | **Tolls and Bridges Act, 1875.** | |
| 1. | R.I.No.8277/12.7.47.<br>O.No.8210/11.8.47. | Whether cows should be exempted from payment of tolls until the Schedule appended to P.W.D. Notifn. No.3573/27-C dated 20-9-46 is suitably amended - | 1-2. |

S.I./10/5/56. 8c.

R.I.No.887
12-7-47.

Office of the R.L.A.

In exercise of powers conferred by sections 3 and 5 of the Bombay Tolls on Roads and Bridges Act, 1875, Government directed that with effect from 1st December1946, the rates of tolls specified in the Schedule appended to Public Works Department Notification, No.3573/27-C, dated 20th September 1946 shall be levied upon the Old Railway Bridge over the Narbada River at Broach. Item 12 in the Schedule provides for the levy of tolls on "buffaloes or bullocks, per head, if laden" and item 13 for the levy of tolls on "buffaloes or bullocks, per head, if not laden". Reading these items together, the intention appears to be that tolls should be levied on animals such as buffaloes or bullocks, which are used for carrying load. That being so, cow appears to have been deliberately omitted from the Schedule. Had it been the intention of Governmentto levy toll on cows also, it would have included 'cows' along with buffaloes and bullock in the Schedule (cf. section 429 I.P.C. which specifically refers to "buffalo, bull, cow or ox"). As the notification stands, the cows are exempted from tolls.

D.V.Vyas

Remembrancer of Legal Affairs.

U.R. to P.W.D., No.8210, dated the 11th August 1947.

S.I./9/5/56. 4c.